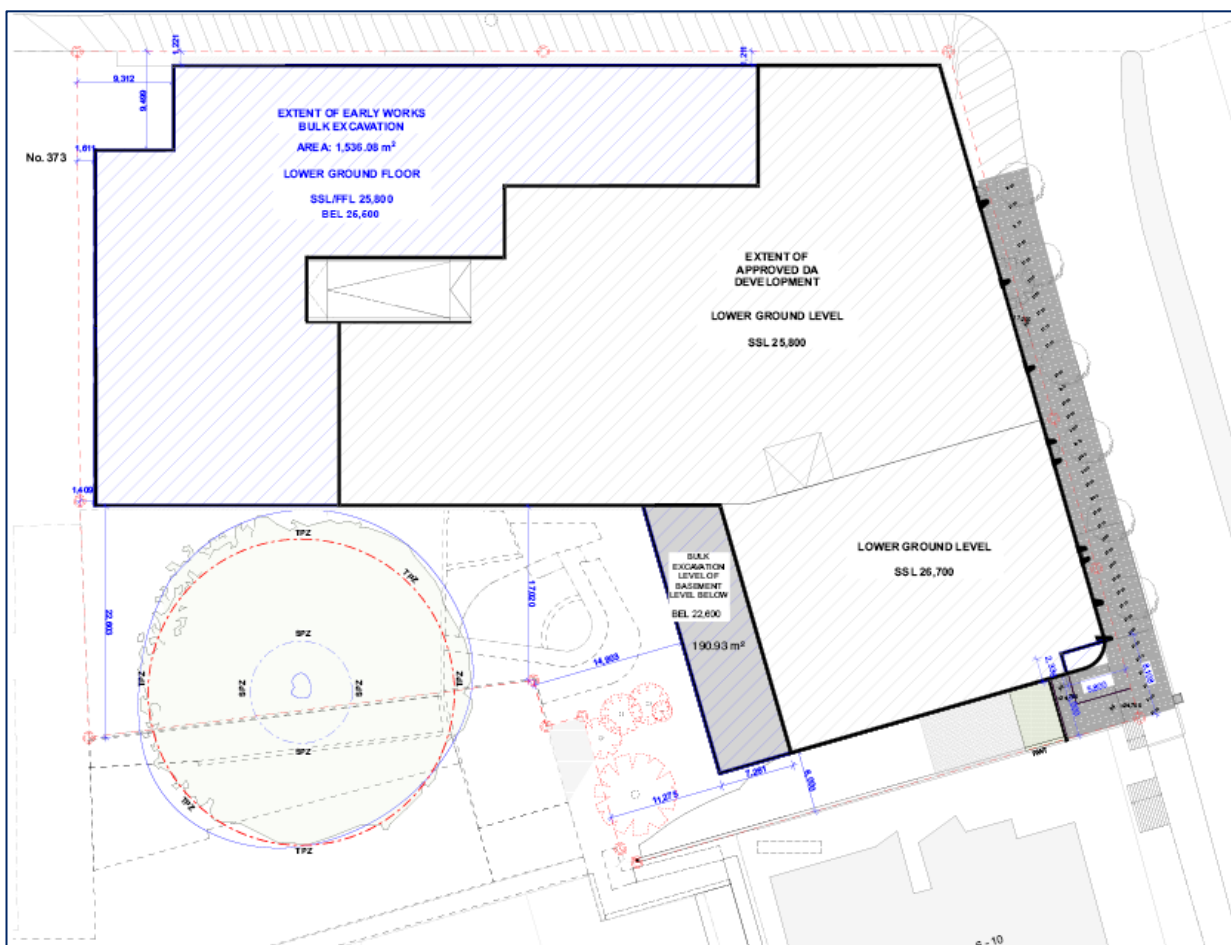


Early works for shop top housing development – 357-363 Crown Street and 2-4 Gladstone Avenue, Wollongong

State Significant Development Assessment Report (SSD-97973958)

June 2026





Acknowledgement of Country

The Department of Planning, Housing and Infrastructure acknowledges that it stands on Aboriginal land. We acknowledge the Traditional Custodians of the land and show our respect for Elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

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Early works for shop top housing development – 357-363 Crown Street
and 2-4 Gladstone Avenue, Wollongong (SSD-97973958) Assessment
Report

Published: June 2026

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Executive Summary

This report details the Department's assessment of the State significant development (SSD) application SSD-97973958 for the early works for a shop top housing development, located at 357-363 Crown Street and 2-4 Gladstone Avenue in Wollongong City local government area (LGA).

The site benefits from an existing development consent (DA-2023/156) for the demolition, excavation and construction of a 19-storey shop-top housing development issued by the Southern Regional Planning Panel on 3 December 2024 and is also the subject of a separate SSD and concurrent rezoning application (SSD-84127221), seeking a larger 33-38 storey development.

This proposal seeks consent for additional early works which would increase the approved basement footprint to facilitate the proposed larger development, if approved.

The proposal, if approved, would modify the existing development consent in accordance with section 4.17(1)(b) and (5) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The proposal is classified as SSD under section 4.36 of the EP&A Act because it was declared pursuant to State Significant Declaration Order (Order) dated 14 April 2025 by the Minister for Planning and Public Spaces (the Minister).

The Department exhibited the environmental impact statement (EIS) and received one public submission in support and one objection from Wollongong City Council (Council). Two government agencies also provided advice.

The Department has considered the merits of the proposal in accordance with the relevant matters under section 4.15(1) of the EP&A Act, the issues raised in the submissions, the applicant's response and additional information.

The key issues of the project are relationship of the works with the future SSD application, impacts on ground water and traffic impacts during construction works,

The Department's assessment concludes that the proposal is acceptable as it:

- is permissible with consent on the site and will support the orderly development of the site
- appropriately manage the impacts associated with groundwater and construction works
- provide for 100 construction jobs.

The Department considers the impacts of the proposal can be appropriately managed or mitigated through the implementation of recommended conditions of consent. The Department recommends that the proposal be approved, subject to conditions. This report was provided to the decision maker for consideration when deciding whether to grant consent to the SSD.

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1 Proposal overview

1.1 Details of the application

Table 1 | Key details

Application number	SSD-979733958	Date lodged	24 March 2026
Applicant name	Wollongong Developments No 5 Pty Ltd		
Site address	357-363 Crown Street and 2-4 Gladstone Avenue, Wollongong		
Legal description	Lots 1 and 2 DP 201949 Lot 6 DP 14480 Lot 7 DP 661845	Local Government Area	Wollongong City
Assessment pathway	State significant development The proposal is declared SSD pursuant to State Significant Declaration Order (Order) by the Minister for Planning and Public Spaces (Minister) under Section 4.36(3) of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) on 14 April 2025. Part 2 of the Order states the following: <i>4 Specified development on specified land declared State significant development</i> <i>(1) The following development is declared to be State significant development:</i> <i>(b) development specified in EOI application 236817 dated 5 February 2025 including development for the purposes of shop top housing development with provision of affordable housing at 359 Crown Street, 363 Crown Street, 2 Gladstone Avenue and 4 Gladstone Avenue, Wollongong being Lot 1/DP201949, Lot 2/DP201949, Lot 6/DP14480, Lot 7/DP661845.</i> The early works are a part of the declared development and can be assessed as a standalone SSD application.		
Permissibility	Permissible with consent		
Consent Authority	The Minister for Planning and Public Spaces (Minister)		
Decision maker	Director, Affordable Housing Assessments, under delegation of the Minister		

1.2 Proposal location

The site is shown in Error! Reference source not found. and Error! Reference source not found.. Key characteristics of the site are summarised in Table 2.

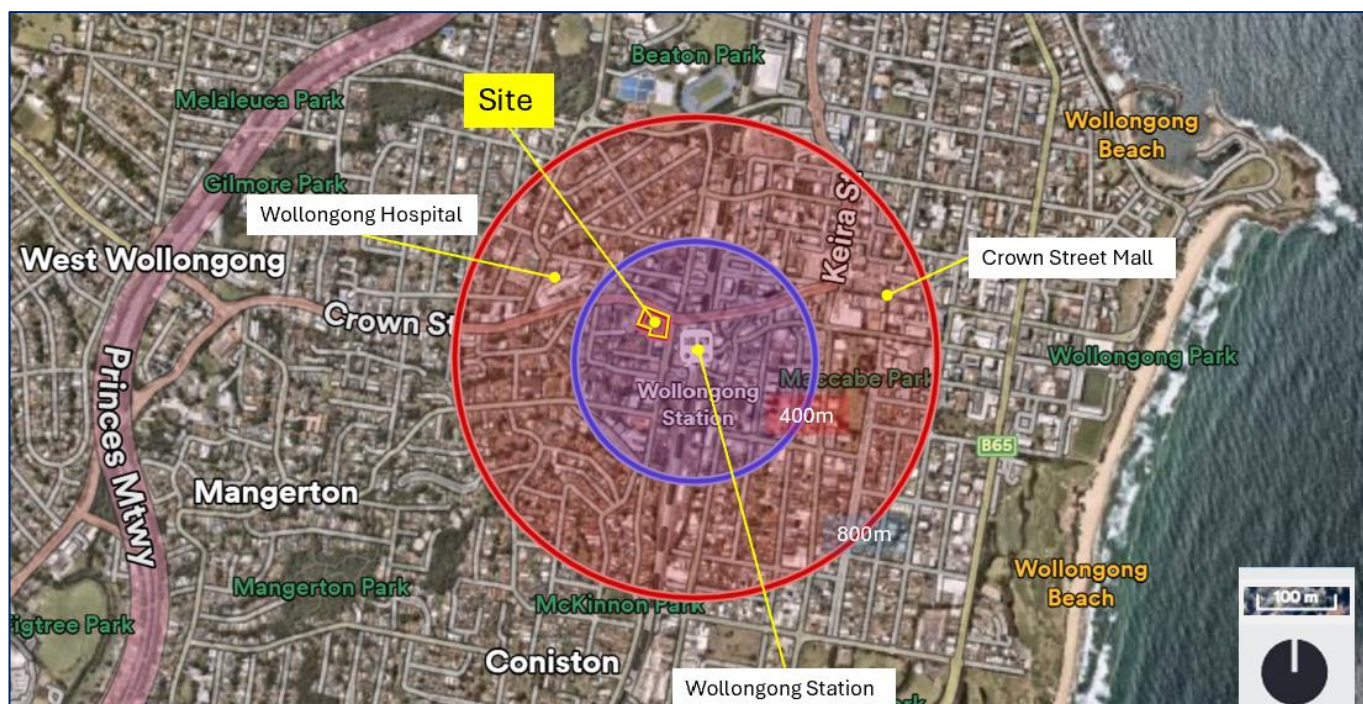


Figure 1 | Regional context map (Base source: Nearmap 2026)



Figure 2 | Local context map (Base source: Nearmap 2026)

Table 2 | Key aspects of the proposal site

Aspect	Description
Site area	6,514 m ²
Existing development	Previously existing commercial buildings on the site have been demolished, and remediation works are currently being undertaken pursuant to an existing local development consent DA-2023/156 for a shop top housing development (Table 4). Pedestrian access to the site is restricted by hoardings.
Surrounding developments/ context	The site is located within Wollongong City Centre. The surrounding developments include a variety of buildings and spaces in terms of use, form, age, height and architectural design, including: • West: 10-16 storey mixed-use building • South: eight storey “<i>Mantra Apartments</i>” serviced apartment building • North (Crown Street): single and two storey retail buildings • East (Gladstone Avenue): “<i>Browns Corner</i>” and “<i>Piccadilly Centre</i>”, retail and commercial buildings adjacent to Wollongong Station.
Surrounding roads/access	• Crown Street (state road) to the north: two lanes in each direction, includes time restricted (one hour) street parking along certain parts. • Gladstone Avenue (regional road) to the east: two lanes in each direction, includes time restricted (two hour) on-street parking along certain parts. • Parkinson Street to the west: an access laneway with one lane in each direction, includes unrestricted on-street parking. Existing pedestrian footpaths are along Crown Street and Gladstone Avenue. Existing vehicular access from Parkinson Street (south-west) via existing right of carriageway.
Public transport	Public transport in proximity to the site include: • Wollongong train station – approximately 100 m west of the site • multiple bus stops in front of the site (along Crown Street and Gladstone Avenue).

Aspect	Description
Topography	Diagonal fall from Crown Street(northwest) to (Gladstone Avenue (southeast) with a gradient of 4.4%-6.5% (8.56 m change of elevation).
Heritage constraints	Existing on-site tree (south-western side of the site) is listed as a local heritage item under the Wollongong Local Environmental Plan 2009 (WLEP) (Moreton Bay Fig).
Easements or covenants	Several easements and restrictions apply to the site (refer to Survey Plans). An existing right of carriageway is registered on the title. The site benefits from this right of carriageway, providing vehicular access from Parkinson Street.

1.3 Proposal description

The site currently benefits from an existing development consent DA-2023/156. The Applicant seeks consent to amend the early works component of this development consent to facilitate a future shop top housing development on the site (consent sought under separate SSD-84127221).

The key aspects of the proposal are outlined in **Table 3** and shown in Figures 3 and 4 below. Further detail is provided in the Proposal Description chapter of the EIS (see **Appendix A**).

Table 3 | Key components of the proposal

Aspect	Description
Early works components	The early works will comprise bulk excavation to: • increase the basement footprint approved under DA-2023/156, at ground level and lower ground level • add one level of basement level (bulk excavation Level RL22.6m AHD) below the approved lower ground level • construction and anchoring of piled shoring walls and capping beams.
Estimated development cost	\$3,863,104
Employment	100 construction jobs

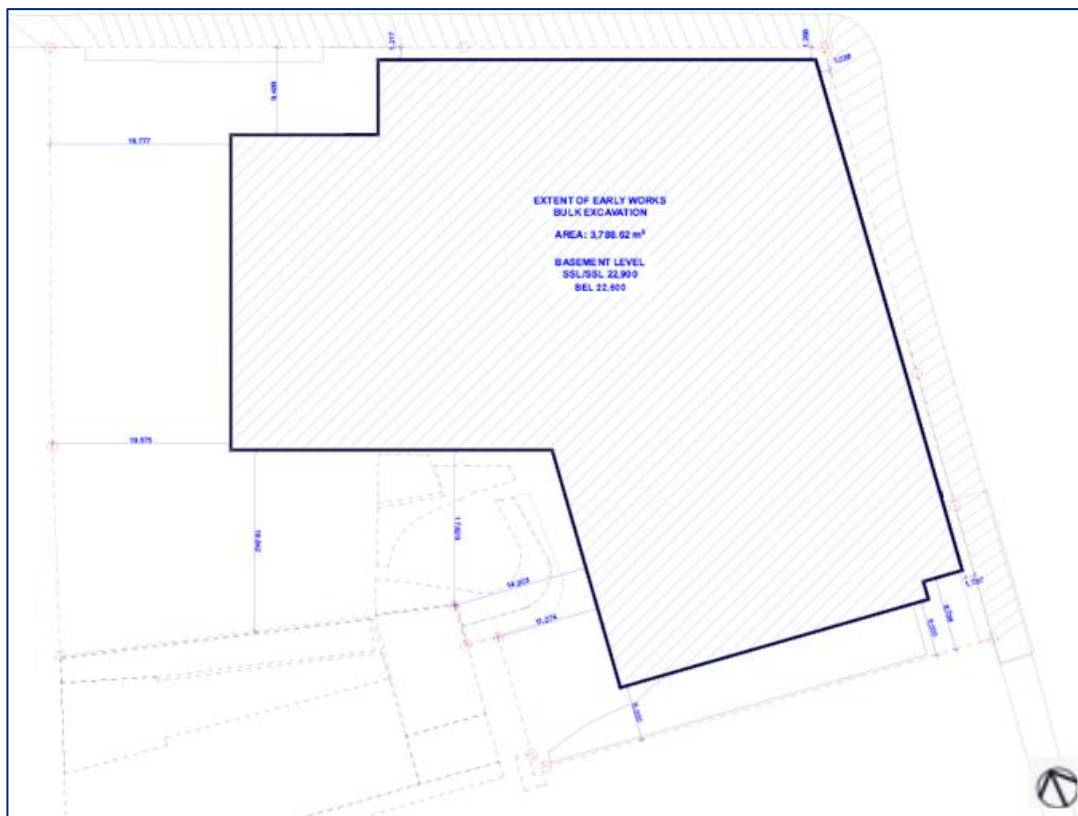


Figure 3 I Proposed additional basement level excavation (Source: EIS)

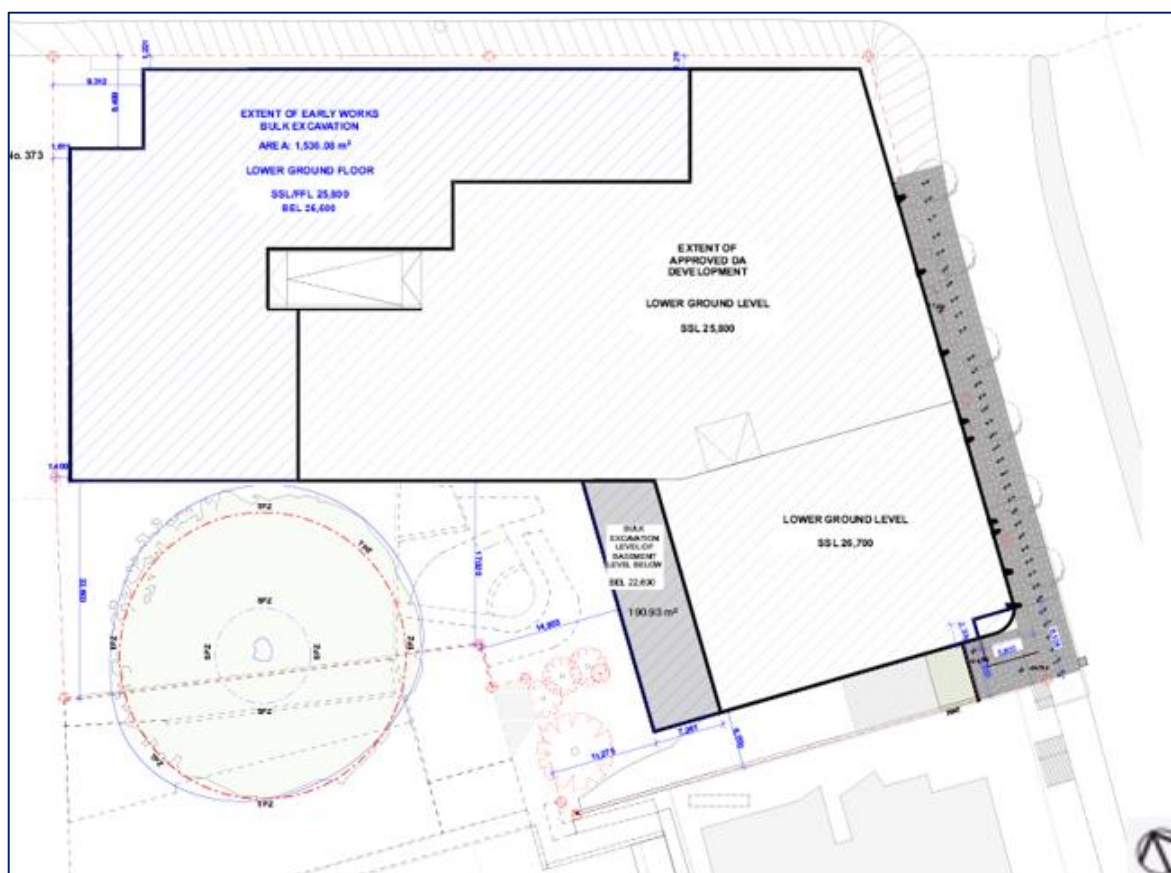


Figure 4 I Proposed extent of additional lower ground level excavation (blue hatched) (Source: EIS)

1.4 Relevant planning history and background

Table 4 | Strategic framework and related applications

Related proposals/ works	Summary description
Local approval DA-2023/156 (2024 consent)	- On 3 December 2024, the Southern Regional Planning Panel (SRPP) approved a 19-storey shop top housing development on the site, comprising: - demolition of existing structures, remediation and bulk excavation 252 residential apartments over a three-storey podium with commercial use 297 car parking spaces located six levels (one lower ground and remaining five levels at grade or above ground) - retention of a heritage listed Morton Bay fig tree and landscaping works.
Expression of Interest (EOI 236817) – Housing Delivery Authority (HDA)	- On 5 February 2025, the Applicant submitted an EOI (EOI 236817) with the HDA to amend the 2024 consent and propose a larger shop top housing development delivering 400 apartments (148 additional) on the site, including affordable housing. - On 4 April 2025, the HDA considered the EOI and provided advice to the Minister that the proposal has State significance and satisfies the HDA criteria. It also recommended the applicant investigate the in-fill affordable housing SSD pathway. - On 14 April 2025, the Minister declared the development for shop top housing with affordable housing on the site (as specified in EOI 236817) as SSD under State Declaration Order (No 5) pursuant to Section 4.36(3) of the EP&A Act.
SSD-84127221 – shop-top housing with concurrent rezoning	- On 16 June 2026, the Applicant lodged an SSD application and concurrent rezoning proposal on the site, consistent with the Minister’s declaration. - The SSD application seeks amend the approved local DA-2023/156, to provide: - a part 33 - 38 storey shop-top housing development with 467 apartments (including 67 affordable housing apartments), above commercial uses - communal areas and open space on levels 4 and 30 - associated works, including removal of an approved through-site link. - To enable the above development, the SSD application also includes concurrent rezoning to increase the maximum permissible height and floor

Related proposals/ works	Summary description
	space ratio (FSR), with site-specific exemptions from some provisions within the Wollongong Environmental Plan 2009. • The SSD application and concurrent rezoning proposal is on exhibition from 23 June 2026 until 6 July 2026.
Wollongong Station Precinct draft Master Plan	• On February 2025, Transport for NSW (TfNSW) published a draft Master Plan for the locality surrounding Wollongong Station, identified as the Wollongong Station Precinct. The draft master plan provides a framework for future upgrades and place-making projects at the train station and its immediate surrounds. • The draft Master Plan is currently in the planning and review phase following public consultation that closed in mid-2025.
Wollongong Health Precinct Strategy	• On 20 February 2026, the Department finalised the Wollongong Health Precinct Strategy to establish the basis for the future rezoning of the locality surrounding Wollongong Hospital (Wollongong Health Precinct). • The strategy was developed by the Department in collaboration with NSW Health, Transport for NSW (TfNSW) and Council.
Wollongong Health Precinct rezoning proposal	• The site is located within the future Wollongong Health Precinct. • The Department will lead the rezoning of the Wollongong Health Precinct to unlock over 1,000 new homes and support over 10,000 new jobs, under the State significant rezoning policy. • The rezoning will also enable the expansion of Wollongong Hospital with a range of allied health services, a diverse mix of housing choices for key workers, improved connections to Wollongong Station and across the precinct through enhanced public spaces. • The rezoning proposal is expected to be exhibited later in 2026.

2 Engagement

2.1 Exhibition of the EIS

After accepting the development application and EIS, the Department:

- publicly exhibited the proposal from 1 April 2026 until 14 April 2026
- notified occupiers and landowners in the vicinity of the site

- notified and invited comment from relevant government agencies and Wollongong City Council (Council)
- undertook a site visit on 23 April 2026.

2.2 Submissions and agency advice

All submissions and advice from government agencies can be found in **Appendix A**. A summary of the key issues raised and the Applicant's response to those issues is set out below.

Table 5 | Summary of engagement

Aspect	Details
Public submissions	• One submission in support commenting that the proposal will assist with housing affordability.
Council's views	Council objected to the proposal, raising concerns about: • pre-empting the outcome of the future SSD-84127221 • incorrect use of the SSD pathway for early works • potential construction impacts on the heritage listed tree on the site.
Advice from government agencies (EIS)	Two government agencies provided advice on the proposal, as discussed below. • Transport for NSW (TfNSW) raised no concerns subject to: – a Work Authorisation Deed – a Geotechnical Monitoring Plan prior to commencement of excavation – a range of conditions for the future shop top housing development. • Department of Climate Change, Energy, the Environment and Water Group (DCCEEW Water) requested the Applicant submit: – updated ground monitoring results and impacts on ground water inflow and associated reports.
Applicant's response to submissions /advice and additional information	• The Applicant submitted a Response to submissions report on 19 May 2026 and additional information on 11 June 2026 (see Appendix A), which included the following to address the key issues raised: – clarification of the SSD pathway with information regarding SSD-841277221 – confirmation that the conditions of the 2024 consent would continue to apply

Aspect	Details
	– confirmation that the proposed additional excavation would not disrupt the existing heritage listed tree’s access to groundwater – additional technical documents in relation to geotechnical and ground water impacts.

3 Assessment

The Department has assessed the proposal, considering all documentation submitted by the Applicant, all issues raised by Council, and all advice provided by government agencies.

Section 3.1 outlines the key issues the Department considers relevant to the assessment of the application. All other matters have been addressed in:

- Appendix B – Statutory matters for consideration
- Appendix C- Department’s consideration of Council’s submission
- Appendix D- Recommended instrument of consent.

Overall, the Department considers the likely impacts of the development are acceptable and can be appropriately managed or mitigated through the implementation of recommended conditions of consent.

3.1 Key issues

An assessment of the key issues relevant to the proposal is provided in Table 6.

Overall, the Department is satisfied that these issues have been adequately addressed through proposal refinements and the recommended conditions of consent.

Table 6 | Consideration of key issues

The Department’s consideration of the key issues
Construction noise and vibration impacts The 2024 consent includes several conditions to manage construction impacts including: • construction hours of 7 am – 5 pm, Monday to Saturday • the Applicant to adhere to the recommendations of the submitted Noise and Vibration Management Plan dated 2023 and update the plan, in case of any change to the scope of excavation

The Department's consideration of the key issues

- respite hours for high noise generating activities
- a complaint management procedure.

The Applicant has submitted a preliminary Construction Noise and Vibration Management Plan (CNVMP) with the SSD application, which considers the impacts of the additional excavation works having regard to the *Interim Construction Noise Guidelines* (ICNG).

The CNVMP noted that construction noise impacts at the nearest residential properties are estimated to reach between 43 – 88 dB during early works. It included several mitigation measures to reduce noise amenity impacts on the neighbours including standard construction hours per the ICNG, scheduling of construction activities, location of noise generating equipment, selection of quieter equipment and a complaint handling and induction process.

Council advised that all conditions applying to the 2024 consent should remain applicable.

The Department has reviewed the CNVMP and acknowledges that the noise generated by certain construction activities would exceed the ICNG 'highly noise affected' management level of 75 dBA by up to 13 dBA at the nearest receiver. However, the CNVMP recommendations would ensure appropriate mitigation measures are implemented to minimise the impacts to nearby sensitive receivers.

The Department also notes that the 2024 consent approves construction on Saturday until 5pm which is beyond the ICNG standard hours. The Department considers it appropriate to align with the approved construction hours, noting that restricting construction works to 1 pm on Saturdays (per ICNG standard hours) would delay construction works without any meaningful benefits.

The Department, therefore, recommends the following conditions to ensure that construction works can continue without delays and the noise impacts due to the additional excavation works can be managed appropriately to avoid unreasonable impacts on the amenity of the adjoining residents:

- the approved Noise and Vibration Management Plan dated 2023 be updated to include all recommendations and procedures within the CNVMP submitted with the EIS
- targeted procedures in the noise and vibration management plan for achieving the noise management levels in ICNG
- the works be carried out in accordance with the updated Noise and Vibration Management Plan
- respite periods and other noise management mechanisms for works that would exceed 75 dBA, when measured at an affected receiver at any time
- construction hours consistent with the 2024 consent (condition 94 of the 2024 consent)
- respite periods for rock breaking, rock hammering and other noisy activities be continued in accordance with the 2024 consent (condition 87 of the 2024 consent).

The Department's consideration of the key issues

Construction traffic impacts

The site fronts Crown Street, which is a State Road. The Applicant provided a Construction Traffic Management Plan (CTMP) outlining the traffic management strategies associated with the early works.

The CTMP (as refined by the RtS) provided a framework for managing vehicle movements, minimising disruptions and ensure safety for all road users with the following information:

- up to 40 truck movements are anticipated on a typical workday during the excavation (4 trucks / hour maximum)
- construction vehicles would be subject to left-in left out movements only at Crown Street with restricted access for Truck and Dog vehicles during peak hours (7 am – 9 am and 3 pm – 6 pm)
- heavy vehicle haulage routes would be largely limited to State and Regional Roads
- trucks would approach and leave the site via Gladstone Avenue and Crown Street in a forward direction
- all emergency points to remain unobstructed
- all work, temporary signs, barriers and the likes would comply with TfNSW standards.

The Department has reviewed the CTMP and the existing conditions of consent and recommends that:

- the approved CTMP (prepared by Genesis Traffic dated 27 May 2024) be updated to include all recommendations and procedures within the preliminary CTMP submitted with the RtS
- the updated CTMP be endorsed by TfNSW.

Other construction impacts

The 2024 consent included conditions in relation to erosion and sediment control measures and asbestos hazard management (demolition works only).

The Applicant has provided the following additional information as part of this SSD application:

- soil and water management plan and sediment control measures
- construction waste management plan to manage the impacts of the additional excavation works
- details to confirm that drainage discharged due to early works would be directed to Frederick Street (local road) and not impact on Crown Street State Road infrastructure.

The Department considers that the existing conditions of the 2024 consent should continue to apply to the SSD application to manage construction works. The Department has recommended additional conditions to ensure soil / water, drainage and waste management plans be prepared and the associated works are undertaken per the approved conditions and the new management plans.

The Department's consideration of the key issues

Subject to the implementation of the recommended conditions, the construction works would be managed appropriately to minimise risk of adverse impacts on the amenity of the surrounding properties and/or road reserves.

Groundwater impacts

The 2024 consent includes conditions requiring the Applicant to submit a Groundwater Take Assessment following prior to the issue of the construction certificate and obtain the required approvals from DCCEEW.

The proposed basement excavation level (BEL) of RL 22.6 is three meters lower than the approved excavation level of RL 25.7 and is likely to impact on the groundwater table resulting in seepage during construction and operation.

The Applicant has advised that:

- 3-month groundwater monitoring is currently being undertaken to assess the additional groundwater take
- an updated Hydrological Assessment would be prepared based on the monitoring results to confirm the volume of groundwater take
- a Dewatering Management Plan (if needed) would also be prepared to manage groundwater inflows during basement excavation.

The Applicant has requested that the Department allows the reports to be completed post determination.

DCCEEW Water have reviewed the Applicant's advice and requested that the Applicant provide:

- updated groundwater monitoring and modelling results for review and ascertain the groundwater impacts
- estimated volume of groundwater take due to construction or operation
- an assessment of the impacts due to aquifer interference activities in accordance with the NSW Aquifer Interference Policy and framework (2012), if the groundwater take exceeds 3 ML per year.

The Department has considered the information provided by the Applicant, the advice provided by DCCEEW Water and the conditions of the 2024 consent.

The Department acknowledges that the additional excavation is likely to increase ground water take and that a dewatering management plan and licence may be required. The Department has therefore recommended conditions requiring the Applicant to:

- submit the groundwater modelling along with the intake assessment report prior to the issue of the any construction certificate for endorsement by DCCEEW Water
- prepare a dewatering management plan, if needed
- obtain a water access license, unless an exemption applied under the Water Management (General) Regulations 2025.

The Department's consideration of the key issues

Geotechnical impacts

The 2024 consent includes conditions requiring geotechnical investigations and monitoring to ensure the infrastructure of Crown Street is not adversely impacted and stability of the road is maintained.

The Applicant submitted Geotechnical reports, investigations and a monitoring plan considering the scope of works under the SSD application to address the impacts due to additional excavation and the shoring wall. The reports concluded that the proposed works may comply with the industry standard design and construction techniques, subject to additional refinements to the plans and recommendations.

TfNSW has raised no concerns in this regard subject to preparing and implementing a geotechnical monitoring plan prior to commencement of excavation works.

The Department has reviewed TfNSW's request, the Applicant's information and the existing conditions of the 2024 consent and recommends that:

- the geotechnical conditions of the 2024 consent continue to apply to this SSD application
- all new works under this consent consider the recommendations of the submitted geotechnical investigation report
- a geotechnical monitoring plan be prepared and implemented prior to the commencement of works.

Heritage impacts

The site contains a local heritage item in the WLEP (Moreton Bay Fig). The EIS included a Statement of Heritage Impact (SOHI) and an Arborist Impact Assessment Report (AIAR). The reports concluded that the additional excavation works would have a no additional impact on the heritage-listed tree subject to arborist supervision, maintenance of the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) delineation to ensure long term retention of the tree.

Council has raised concerns regarding the long-term health of the tree and its ability to access groundwater due to the additional excavation.

The Department has carefully considered Council's concerns. However, based on the findings and recommendations of the AIA, the Department is satisfied that the additional three metres of excavation is unlikely to cause adverse impacts on the heritage tree. The AIA recommends some mitigation strategies including a drip irrigation system and mulched gardens beds/ turf areas under the drip line of the tree to improve growing conditions. This would form part of the assessment and determination of the future shop top housing development.

The Department also notes that the 2024 consent includes several conditions regarding the retention of the tree, which will continue to apply to the SSD application.

The Department's consideration of the key issues

Existing consent

The Department notes that the proposal seeks to amend the 2024 consent to include additional excavation and ensure there is no ambiguity related to the prevailing development consent applying to the land.

To enable the above, the Department has recommended conditions requiring the modification of the 2024 consent, under s4.17(1)(b) of the Act, to modify conditions and clarify the scope of works under this application. The Department considers that orderly development can be undertaken on the site subject to the recommended condition.

4 Evaluation

The Department's assessment has considered the relevant matters and objects of the EP&A Act, including the principles of ESD, advice from government agencies, local councils and public submissions and strategic government policies and plans.

The Department's assessment concludes that the proposal is acceptable as:

- is permissible with consent on the site and will support the orderly development of the site
- appropriately manage the impacts associated with groundwater and construction works
- provide for 100 construction jobs.

Residual impacts can be managed via recommended conditions of consent (**Appendix D**).

Consequently, the Department recommends the proposal be approved, subject to conditions.

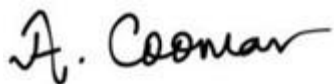
5 Recommendation

It is recommended that the Director, Affordable Housing Assessments, as delegate of the Minister for Planning and Public Spaces:

- considers the findings and recommendations of this report
- accepts and adopts the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- agrees with the key reasons for approval listed in the notice of decision
- grants consent for the application in respect of Early works for a shop top housing development at 357-363 Crown Street and 2-4 Gladstone Avenue, Wollongong (SSD-97973958), subject to the conditions in the attached development consent
- signs the next page and attached development consent (Appendix D).

Prepared by: Kevin Kim
Senior Planner, Affordable Housing Assessments

Recommended by:



Aditi Coomar
Team Leader
Affordable Housing Assessments

6 Determination

The recommendation is adopted by:



26/06/2026

Amy Watson

Director

Affordable Housing Assessments

Appendices

Appendix A – List of referenced documents, submissions and advice

The following documents can be accessed at:

<https://www.planningportal.nsw.gov.au/major-projects/projects/early-works-shop-top-housing-development-357-363-crown-street-2-4-gladstone-avenue-wollongong>:

- Environmental impact statement
- Submissions report
- Additional information provided by the applicant
- Submissions (public and Council)
- Government agency advice

Appendix B – Statutory matters for consideration

Matters for consideration required by the EP&A Act

Section 4.15 of the EP&A Act sets out general matters to be considered by a consent authority when determining a development application. Table B1 outlines the consideration of these matters.

Table B1 | Matters for consideration

Matter	Department's assessment
Environmental planning instruments, proposed instruments, development control plans & planning agreements	Appendix B
EP&A Regulation	Appendix B
Likely impacts	Section 3 – Assessment
Suitability of the site	Section 1 – Proposal location, Section 1 – Policy and statutory context and Section 3 – Assessment
Public submissions	Section 2 – Engagement and Section 3 – Assessment

Matter	Department's assessment
Public interest	Section 2 – Engagement, Section 3 – Assessment and Section 4 – Evaluation

Objects of the EP&A Act

In determining the application, the consent authority should consider whether the proposal is consistent with the relevant objects of the EP&A Act (s 1.3) including the principles of ecologically sustainable development (ESD). Consideration of those factors is described in **Table B2** below.

As a result of its analysis, the Department is satisfied that the development is consistent with the principles of ESD and objectives of the EP&A Act.

Table B2 | Objects of the EP&A Act and how they have been considered

Object	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	The proposal supports the social and economic welfare of the community by facilitating development for future residential and commercial land uses. The proposal does not have any impacts on the State's natural or other resources.
(b) to promote the supply, delivery and maintenance of housing, including affordable housing	The development will facilitate the development of the site, which will include the housing under the 2024 consent, and potential for affordable housing under the separate SSD and concurrent rezoning application.
(c) to promote productivity through the development and management of the State and its resources	The development promotes productivity by making efficient use of a well-located site, within an existing urban area, improving its functionality and ensuring land and infrastructure are used appropriately and sustainably.
(d) to protect the environment, including the conservation of threatened species of native animals	The proposal involves the redevelopment of an existing urban site and would not adversely impact on any native animals and plants, including threatened species, populations and ecological communities, and their habitats. The

Object	Consideration
and plants, ecological communities and their habitats	Department and DCCEEW have waived the requirement to submit a Biodiversity Assessment Report (BDAR).
(e) to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention	The development involves additional excavation. It involves management measures to promote resilience to climate change and natural disasters through adaptation, mitigation, preparedness and prevention during construction works.
(f) to promote the sustainable management of built and cultural heritage, (including Aboriginal cultural heritage)	The Applicant has submitted a due diligence report which concludes that there is low potential for Aboriginal archaeological sites or historical relics to be present on the site. Consequently, an Aboriginal Cultural Heritage Assessment Report (ACHAR) is not required. The development also is unlikely to adversely impact on an existing heritage listed tree on the site as discussed in Section 3 of this report.
(g) to promote good design, amenity and the proper construction and maintenance of built environments, including the protection of the health and safety of the occupants of buildings	The development does not seek consent for built form. However, it would promote proposer construction and maintenance of built environments through the proposed mitigation measures and management mechanisms.
(h) to provide opportunities for participation in environmental planning and assessment	The Department publicly exhibited the proposal (Section 2), which included notifying adjoining landowners and displaying the proposal on the Department's website during the exhibition period.
(i) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about	The proposal promotes social and economic welfare by facilitating a development for shop top housing.

Object	Consideration
environmental planning and assessment	
(j) to promote a proportionate and risk-based approach to environmental planning and assessment	The development includes satisfactory management plans and mitigation measures to promote a proportionate and risk-based approach to environmental planning and assessment.
(k) to promote the orderly and economic use and development of land	The proposal involves the orderly and economic use of land through the efficient redevelopment of an existing urban site.

Biodiversity Conservation Act 2016

Biodiversity development assessment report (BDAR)

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all SSD applications to be accompanied by a BDAR unless the Planning Agency Head and the Environment Agency Head determine that the proposal is not likely to have any significant impact on biodiversity values (as identified in the BC Act and in the *Biodiversity Conservation Regulation 2017*).

The Applicant submitted a BDAR waiver request the Department on 20 January 2026. The Environment Agency Head of DCCEEW and the Team Leader, Affordable Assessments as delegate of the Planning Secretary, determined that the development is not likely to have any significant impact on biodiversity values. A BDAR waiver was granted on 19 February 2026.

EP&A Regulation

The EP&A Regulation requires the applicant to have regard to the *State Significant Development Guidelines* when preparing their application. In addition, the SEARs require the applicant to have regard to the following:

- *Social Impact Assessment Guideline for State Significant Projects*
- *Undertaking Engagement Guidelines for State Significant Projects.*

The Department considers that the EIS has appropriately addressed the matters required by the regulations.

Ecologically Sustainable Development

The EP&A Act adopts the definition of ecologically sustainable development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- the precautionary principle
- inter-generational equity
- conservation of biological diversity and ecological integrity
- improved valuation, pricing and incentive mechanisms.

The Department considers that the proposal is in line with ESD principles.

The provisions of any Environmental Planning Instruments (EPIs)

State Environmental Planning Policy (Resilience and Hazards) 2021 (Hazards SEPP)

Chapter 4 of the Hazards SEPP aims to ensure that potential contamination issues are considered in the determination of a development application and that the site is suitable for the development.

The 2024 consent includes conditions requiring remediation of the site in accordance with a submitted remediation action plan (RAP).

The SSD application includes additional site investigations and an updated RAP covering the proposed scope of works with additional excavation. The updated RAP concludes that the site would be suitable for the development subject to compliance with its recommendations.

The Department recommends that:

- the RAP approved under the 2024 consent be replaced by the updated RAP
- the remediation works be completed on the site in accordance with the updated RAP
- validation reports be submitted per the 2024 consent and ensuring compliance with the updated RAP.

SEPP Transport and Infrastructure 2021 (T&I SEPP)

The T&I SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and providing for consultation with relevant public authorities about certain development during the assessment process.

The proposal was referred to Transport for NSW (TfNSW) for comment pursuant to Section 2.122 and Schedule 3 of the T&I SEPP.

TfNSW have requested additional information to ensure the impacts on the adjoining Crown Street reserve are minimised (See Section 2 and 3 of the report). The Department has recommended appropriate conditions as discussed in Section 3 of the report.

Local Environmental Plan provisions

Wollongong Local Environmental Plan (WLEP) 2009

The matters for consideration under the WLEP are outlined in Table B3 below.

The Wollongong City Development Contributions Plan 2025 has also been considered. As the proposal comprises early works only and will not result in any net population or floor-space increase, local development contributions are not applicable to this application. Contributions will be imposed on the consent for the main works SSDA.

Table B3 | WLEP provisions

Provision	Assessment
2.3 Zone objectives and land use	The site is zoned E2 Commercial Centre under the WLEP and the proposed early works to facilitate a shop top housing are permissible with consent. The proposal complies with the zone objectives by proposing works ancillary to residential and commercial uses on the site.
5.10 Heritage conservation	The site accommodates an existing tree listed as a local heritage item (Moreton Bay Fig). The tree is proposed to be retained with suitable tree management measures (see Section 3.1 of this report). The Applicant has submitted a due diligence report which demonstrates that there is low potential for Aboriginal or European archaeological relics within the site. Consequently, an ACHAR is not required to be submitted.
5.21 Flood planning	The Applicant has submitted a flood assessment which concludes that the site is not flood affected.

Provision	Assessment
7.1 Public utility infrastructure	The proposed works are preliminary works which would not impact public utility infrastructure, subject to conditions.
7.6 Earthworks	The Department is satisfied that the proposed earthworks would have minimal impacts and that suitable mitigation measures are provided, subject to the recommended conditions (see Section 3.1).
7.18 Design excellence	Does not apply as no buildings are proposed.

Appendix C –Department’s consideration of council submission

The key issues raised by Wollongong City Council (Council) submission are summarised in [Table C1](#) below, and a link to this submission in full is provided in [Appendix A](#). The Department’s consideration of Council submission is provided in [Table C1](#) below.

Table C1 | Consideration of council submission

Issue	Consideration
Procedural issues - pre-empting the outcome of SSD-84127221 - SSD pathway for the proposed early works.	The proposal forms early works associated with a shop top housing on the site, which is declared SSD pursuant to the State Significant Development Declaration Order (No 5) 2025 (dated 14 April 2025). The Department has assessed the impacts of the proposed additional excavation and is satisfied that impacts can be appropriately managed, subject to conditions. The Department has assessed the proposal on its merits and does not consider that it pre-empts the outcome of the future SSD for the shop top housing development, which would be subject to a separate assessment process.
Heritage impacts Arborist should confirm that the tree would be able to access groundwater and can be retained despite the additional excavation works.	The EIS is supported by a Statement of Heritage Impact (SOHI) and an Arborist Impact Assessment Report (AIAR) which conclude that the proposed excavation would not impact on the retention and the long-term health and longevity of the heritage listed tree on the site, subject to recommendations regarding supervision and tree management measures.

Issue	Consideration
	<i>Recommended conditions:</i> • implementation of the conditions of the existing consent on the site in relation to tree protection • implementation of tree protection measures • supervision of an AQL5 Arborist

Appendix D – Recommended instrument of consent

<https://www.planningportal.nsw.gov.au/major-projects/projects/early-works-shop-top-housing-development-357-363-crown-street-2-4-gladstone-avenue-wollongong>